

Board of County Commissioners

Leon County, Florida

Workshop on Potential Board-Initiated Charter Amendments

May 11, 2010
1:30 - 3:00 p.m.

Leon County Board of County Commission Chambers
Leon County Courthouse, 5th Floor

Board of County Commissioners

Workshop Item

Date of Meeting: May 11, 2010

Date Submitted: May 5, 2010

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
Shington Lamy, Special Projects Coordinator



Subject: Workshop on Potential Board-Initiated Charter Amendments

Statement of Issue:

This workshop item seeks Board direction on potential Board-initiated charter amendments for the 2010 general election.

Background:

On November 5, 2002, the residents of Leon County adopted a Home Rule Charter with the belief that governmental decisions affecting local interests should be made locally, rather than by the State, and that County government should be reflective of the people and serve them in achieving a more responsive and efficient form of government (Attachment #1).

Pursuant to the County Charter, the Board established a Citizen Charter Review Committee (Committee) on October 13, 2009 and appointed 15 Leon County residents to the Committee. The Committee was charged with reviewing the Leon County Charter and proposing any amendments or revisions for placement on the November 2, 2010 general election ballot. During the last five months, the Committee held 14 meetings, considered 24 issues, and adopted seven proposed charter amendments. The proposed amendments will be transmitted to the Board on August 4, 2010.

On April 13, 2010, the Board conducted a workshop on a status report of the Citizen Charter Review Committee, at which time it received a presentation from County staff, the Board's consultant Kurt Spitzer of Kurt Spitzer and Associates, and Chris Holley, Chairman of the Committee (Attachment #2). In addition, the Board had a brief discussion on potential Board-initiated charter amendments; however, no charter amendments were scheduled at that time for public hearing.

On April 27, 2010, the Board directed staff to schedule a workshop on May 11, 2010 from 1:30 p.m.- 3 p.m. to hold further discussions on potential Board-initiated charter amendments.

As previously mentioned, the Committee adopted seven proposed charter amendments which are scheduled to be transmitted to the Board on August 4, 2010. Pursuant to Section 5.2 (3) of the Charter, amendments may be proposed by the Board at anytime 90 days prior to a general election. Board- initiated amendments require an affirmative vote of a majority plus one of the membership of the County Commission. Therefore, the Board may place any additional proposed charter amendments (separate from the CRC's proposed amendments) on the 2010 general election ballot for referendum by August 4, 2010 (90 days prior). The last regular Board meeting prior to the deadline is scheduled for Tuesday, July 13, 2010.

During the April 13, 2010 Board workshop, Commissioner Akin Akinyemi distributed a proposed charter amendment on the establishment of a citizen utility advisory board for consideration. However, the Board determined that the issue of a citizen utility advisory board should be addressed through other means, rather than the County Charter, and directed staff to provide a status report on the City of Tallahassee's (City) Utility Citizen Advisory Committee within the next six months.

In the interim, County staff has requested that the City provide a status report of its Utility Citizen Advisory Committee (Utility Committee) which will be included under a separate cover to the Board prior to the workshop (Attachment #3). The Utility Committee held its first meeting since 2006 on April 15, 2010. It is comprised of 10 residents appointed by the City Manager. Eight members live within the City limits and two members are City utility customers that reside in unincorporated Leon County. The Committee is scheduled to meet on the third Thursday of each month. Although the meetings are open to the public, the City does not advertise the meeting via its website, television channel, or other media outlets. The next meeting of the Utility Committee is scheduled for May 13, 2010, 11:30 a.m. at the City's Gemini Building.

Should the Board wish to consider a Board-initiated charter amendment on a citizen utility advisory board or any other charter amendments for the 2010 general election, staff recommends that the Board identify the issues during its May 11th workshop, and direct staff to schedule a public hearing on July 13th 2010. It is important to note that Board-initiated charter amendments, identified during the workshop, require a simple majority vote; however, will require an affirmative vote of a majority plus one of the membership of the County Commission at the time of the public hearing to be placed on the 2010 general election ballot.

Option:

Board Direction

Recommendation:

Board Direction.

Attachments:

1. Leon County Charter
2. Workshop on the Status Report of the Citizen Charter Review Committee
3. City of Tallahassee's Status Report on the Utility Citizen Advisory Committee (to be provided under separate cover)

ORDINANCE NO. 2002- 17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, PROVIDING FOR THE ADOPTION OF A HOME RULE CHARTER; PROVIDING FOR THE PREAMBLE; PROVIDING FOR THE CREATION AND POWERS OF HOME RULE CHARTER GOVERNMENT; PROVIDING FOR THE RELATIONSHIP OF COUNTY ORDINANCES TO MUNICIPAL ORDINANCES; PROVIDING FOR AN ELECTED COMMISSION AND APPOINTED COUNTY ADMINISTRATOR FORM OF GOVERNMENT; PROVIDING FOR NON-PARTISAN ELECTIONS OF COUNTY COMMISSIONERS; PROVIDING FOR THE LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT; PROVIDING FOR THE APPOINTMENT OF A COUNTY ADMINISTRATOR AND COUNTY ATTORNEY; PROVIDING FOR THE PRESERVATION OF ELECTED COUNTY CONSTITUTIONAL OFFICERS; PROVIDING THAT THE SUPERVISOR OF ELECTIONS SHALL BE NON-PARTISAN; PROVIDING THAT THE LEON COUNTY CLERK OF COURT SHALL SERVE AS AUDITOR TO THE COMMISSION; PROVIDING FOR AN AUDIT COMMITTEE; PROVIDING FOR CITIZEN INITIATIVES FOR COUNTY ORDINANCES AND CHARTER AMENDMENTS; PROVIDING FOR THE RECALL OF COMMISSIONERS; PROVIDING FOR TRANSITION PROCEDURES; PROVIDING FOR CHARTER AMENDMENT PROCEDURES; PROVIDING FOR A CHARTER REVIEW COMMISSION; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON NOVEMBER 5, 2002; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Leon County, Florida, is presently a non-charter county government as established under Article VIII, Section 1(f), Florida Constitution; and

WHEREAS, Article VIII, Sections 1(c) and 1(g), Florida Constitution, provide that a county government may be established by charter, which shall be adopted upon a majority vote of the electors of the county; and

1 WHEREAS, Section 125.80, *et seq.*, Florida Statutes, provides a method whereby a non-
2 charter county may locally initiate a county home rule charter;

3 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
4 COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

5 **SECTION 1. HOME RULE CHARTER.**

6 The proposed Home Rule Charter of Leon County, Florida, shall read as follows:

7 **PREAMBLE**

8 We, the citizens of Leon County, Florida, united in the belief that governmental decisions
9 affecting local interests should be made locally, rather than by the State, and that County government
10 should be reflective of the people of the County and should serve them in achieving a more
11 responsive and efficient form of government and in order to empower the people of this County to
12 make changes in their own government, do ordain and establish this Home Rule Charter for Leon
13 County, Florida.

14 **ARTICLE I. CREATION, POWERS AND**
15 **ORDINANCES OF HOME RULE**
16 **CHARTER GOVERNMENT**
17

18 **Sec. 1.1. Creation and general powers of Home Rule Charter government.**

19 The County shall have all powers of self- government not inconsistent with general law, with
20 special law approved by vote of the electors, or with this Charter. The County shall have all county
21 and municipal powers of self-government granted now or in the future by the Constitution and laws
22 of the State of Florida.
23
24

Sec. 1.2. Body corporate, name and boundaries.

Leon County shall be a body corporate and politic. The corporate name shall be Leon County, Florida. The County seat and boundaries shall be those designated by law on the effective date of this Home Rule Charter.

Sec. 1.3. Construction.

The powers granted by this Home Rule Charter shall be construed broadly in favor of the charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government as stated in this article. It is the intent of this article to grant to the charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.

Sec. 1.4. County Purposes.

The County, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

Sec. 1.5. Municipal Purposes.

The County shall have all necessary municipal powers to accomplish municipal purposes within the County.

In the event the Board of County Commissioners levies the Municipal Public Services Tax on utilities, any additional recurring or non-recurring fee or charge imposed on a utility relating to the use or occupation of the public rights-of-way shall not exceed what is reasonably necessary to

properly monitor and enforce compliance with the County's rules and regulations concerning placement and maintenance of utility facilities in the public rights-of-way.

Sec. 1.6. Relation to Municipal Ordinances.

Except as otherwise provided by law or this Charter, municipal ordinances shall prevail over County ordinances to the extent of any conflict within the boundaries of the municipality. To the extent that a county ordinance and a municipal ordinance shall cover the same subject without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

Sec. 1.7. Transfer of Power.

Whenever a municipality, special district or agency shall request by a majority vote of the governing body the performance or transfer of a function to the County, the County is so authorized by a majority vote of the Board of County Commissioners to have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of Article VIII, § 4 of the Constitution of Florida.

Sec. 1.8. Division of Powers.

This Charter establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Administrator.

Sec. 1.9. Relation to State Law.

Special laws of the state legislature relating to or affecting Leon County and general laws of local application which apply only to Leon County, except those laws relating exclusively to a

1 municipality, the school board, or a special district, shall be subject to approval by local referendum
2 to the extent that they are not in conflict with this Charter. All special laws so approved shall
3 become ordinances, and may be subject to amendment or repeal by the Board of County
4 Commissioners.

5 **ARTICLE II. ORGANIZATION OF COUNTY GOVERNMENT**

6 **Sec. 2.1. Elected Commission and appointed County Administrator form of**
7 **government.**

8 Leon County shall operate under an elected County Commission and an appointed County
9 Administrator form of government with separation of legislative and executive functions in
10 accordance with the provisions of this Home Rule Charter. The legislative responsibilities and
11 powers of the County shall be assigned to, and vested in, the Board of County Commissioners. The
12 executive responsibilities and power of the County shall be assigned to, and vested in, the County
13 Administrator, who shall carry out the directives and policies of the Board of County Commissioners
14 and enforce all orders, resolutions, ordinances and regulations of the Board, the Charter and all
15 applicable general law to assure that they be faithfully executed.

16 **Sec. 2.2. Legislative Branch.**

17 **(1) The County Commission.**

18 The governing body of the County shall be a Board of County Commissioners composed of
19 seven (7) members serving staggered terms of four (4) years. There shall be one (1) Commissioner
20 elected for each of the five (5) County Commission districts, established pursuant to general law or
21 by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-large
22 Commissioners elected on a countywide basis by the electors of the County. Elections for all seven

(7) members of the County Commission shall be non-partisan. Each candidate for the office of district County Commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office, and during the term of office each Commissioner shall reside in the district from which such Commissioner ran for office, provided that any Commissioner whose residence is removed from a district by redistricting may continue to serve during the balance of the term of office.

(2) Redistricting.

Redistricting of County Commission district boundaries shall be in accordance with general law, changed only after notice and a public hearing as provided by general law.

(3) Salaries and Other Compensation.

Salaries and other compensation of the County Commissioners shall be established by ordinance, and salary shall not be lowered during an officer's term in office.

(4) Authority.

The Board of County Commissioners shall exercise all legislative authority provided by this Home Rule Charter in addition to all other powers and duties authorized by general law or special law approved by a vote of the electorate.

(5) Vacancies.

A vacancy in the office of County Commissioner shall be defined and filled as provided by general law.

(6) Administrative Code.

The County Commission shall adopt an administrative code in accordance with general law.

Sec. 2.3. Executive Branch.

(1) The County Administrator.

(A) The County Administrator shall be appointed by, and serve at the pleasure of, the Board of County Commissioners. The County Administrator shall be the chief executive officer of the County and all executive responsibilities and powers shall be assigned to, and vested in, the County Administrator. The County Administrator shall exercise all executive authority provided by this Home Rule Charter and all other powers and duties authorized by general or special law.

(B) The County Administrator shall be chosen on the basis of his/her professional qualifications, administrative and executive experience, and ability to serve as the chief administrator of the County. The County Administrator shall reside within the County during his/her tenure as County Administrator.

(C) The compensation of the County Administrator shall be fixed by the Board of County Commissioners at a level commensurate with the responsibilities of the position, with performance appraisals conducted by the Board of County Commissioners at least annually.

(D) A vacancy in the office shall be filled in the same manner as the original appointment. The County Administrator may appoint an Acting County Administrator in the case of his/her temporary vacancy.

(2) Senior Management.

The County's senior management employees, with the exception of the County Attorney's and Tourist Development Council (TDC) staff, shall serve at the pleasure of the County Administrator, who may suspend or discharge senior management personnel with or without cause.

Sec. 2.4. County Attorney.

(1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.

(A) The County Attorney shall provide legal services to the Board of County Commissioners, the County Administrator, and County departments, boards and agencies organized under the Board of County Commissioners.

(B) The compensation of the County Attorney shall be fixed by the Board of County Commissioners at a level commensurate with the responsibilities of the position with performance appraisals conducted by the Board of County Commissioners at least annually.

ARTICLE III. ELECTED COUNTY CONSTITUTIONAL OFFICERS

Sec. 3.1. Preservation of Constitutional Offices.

The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independently elected constitutional offices, and the status, powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any revisions or amendments hereto, except as provided in Section 5.2 below. The constitutional officers shall perform their executive and administrative functions as provided by law.

Sec. 3.2. Non-Partisan Elections.

(1) Non-Partisan Offices.

The Supervisor of Elections shall be non-partisan.

(A) Non-Partisan Election Procedures.

If three or more candidates, none of whom is a write-in candidate, qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first primary election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot.

(B) Qualification by Petition.

A candidate for non-partisan office may qualify for election to such office by means of the petitioning process provided in general law.

Sec. 3.3. Clerk Auditor.

(1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission as specified by law. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, which shall include at least five (5) years experience in professional accounting, auditing, governmental fiscal administration or related experience, unless the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit function of the Clerk.

(2) Audit Committee.

There shall be a five member Audit Committee of which two members shall be appointed by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee members shall be residents of Leon County, none of whom may be an employee or officer of County

1 government, and who have experience as a public accountant, internal auditor, or as a financial
2 manager for a public, private or not for profit institution. The purpose of the Committee is to
3 promote, maintain, and enhance the independence and objectivity of the internal audit function by
4 ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on
5 recommendations. Clerk shall provide for the organization and duties of the audit committee,
6 including membership terms, voting procedures, officers, sub-committees, meeting schedules and
7 staff support.

8 **ARTICLE IV. POWERS RESERVED TO THE PEOPLE:**
9 **INITIATIVE AND RECALL**

10
11 **Sec. 4.1. Citizen Initiative.**

12 **(1) Right to Initiate.**

13 The electors of Leon County shall have the right to initiate County ordinances in order to
14 establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida
15 Constitution, general law or this Charter, upon petition signed by at least ten percent (10%) of the
16 total number of electors qualified to vote in the County reflecting ten percent (10%) of the total
17 number of electors qualified to vote within each of the five (5) commission districts. The total
18 number of electors qualified shall mean the total number of electors qualified to vote in the last
19 preceding general election.

20 **(2) Procedure for Petition.**

21 The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a
22 proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form
23 on which signatures will be affixed and obtain a dated receipt therefor. Any such ordinances shall

1 embrace but one (1) subject and matter directly connected therewith. The sponsor shall cause a
2 notice of such submission to be published within fourteen (14) days thereof in a newspaper of
3 general circulation in the County. The allowable period for obtaining signatures on the petition shall
4 be completed not later than one (1) year after initial receipt of the petition by the Supervisor of
5 Elections. The sponsor shall comply with all requirements of general law for political committees,
6 and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's
7 information and belief, the number of signatures procured. The time and form of such reports may
8 be prescribed by ordinance. When a sufficient number of signatures is obtained, the sponsor shall
9 thereupon submit signed and dated forms to the Supervisor of Elections, and upon submission, shall
10 pay all fees required by general law. The Supervisor of Elections shall, within sixty (60) days after
11 submission of signatures, verify the signatures thereon, or specify a reason for the invalidity of each
12 rejected signature, if the petition is rejected for insufficiency of the number of valid signatures. If the
13 petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional
14 thirty (30) days within which to submit additional signatures for verification. The Supervisor of
15 Elections shall, within thirty (30) days of submission of additional signatures, verify the additional
16 signatures. In the event sufficient signatures are still not acquired, the Supervisor of Elections shall
17 declare the petition null and void and none of the signatures may be carried over onto another
18 identical or similar petition.

19 **(3) Consideration by Board of County Commissioners.**

20 Within sixty (60) days after the requisite number of signatures has been verified by the
21 Supervisor of Elections and reported to the Board of County Commissioners, the Board of County
22 Commissioners shall give notice and hold public hearing(s) as required by general law on the

1 proposed ordinance and vote on it. If the Board fails to enact the proposed ordinance it shall, by
2 resolution, call a referendum on the question of the adoption of the proposed ordinance to be held
3 at the next general election occurring at least forty-five (45) days after the adoption of such
4 resolution. If the question of the adoption of the proposed ordinance is approved by a majority of
5 those registered electors voting on the question, the proposed ordinance shall be declared, by
6 resolution of the Board of County Commissioners, to be enacted and shall become effective on the
7 date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The
8 Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior
9 to the next succeeding general election, without the approval of a majority of the electors voting at
10 a referendum called for that purpose.

11 **(4) Limitation on Ordinances by Initiative.**

12 The power to enact, amend or repeal an ordinance by initiative shall not include ordinances
13 or provisions related to County budget, debt obligations, capital improvement programs, salaries of
14 County officers and employees, the assessment or collection of taxes, or the zoning of land.

15 **Sec. 4.2. Recall.**

16 All members of the Board of County Commissioners shall be subject to recall as provided
17 by general law.
18

**ARTICLE V. HOME RULE CHARTER
TRANSITION, AMENDMENTS, REVIEW,
SEVERANCE, EFFECTIVE DATE**

Sec. 5.1. Home Rule Charter Transition.

(1) General Provisions.

Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Leon County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected County officer, whose term shall continue as if this charter had not been adopted.

(2) Initial County Commissioners.

The persons comprising the Leon County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter government and shall perform the functions thereof until the normal expiration of their terms or until the election and qualification of their successors as provided by law.

(3) Outstanding Bonds.

All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from, and charged solely against, funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

(4) Employees Continuation.

All employees of the former County government shall, on the effective date of this Charter, become employees of the County government created by this Charter. All existing wages, benefits, and agreements, and conditions of employment shall continue, until modified by lawful action of the County Commission.

Sec. 5.2. Home Rule Charter Amendments.

(1) Amendments Proposed by Petition.

(A) The electors of Leon County shall have the right to amend this Home Rule Charter in accordance with Sec. 4.1 of this Charter.

(B) Each proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified. If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

(2) Amendments and Revisions by Citizen Charter Review Committee.

(A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least twelve (12) months before the general election occurring every eight (8) years thereafter, to be composed and organized in a manner to be determined by the Board of County Commissioners, to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. Public hearings shall be conducted

1 as provided by Section 125.63, Florida Statutes.

2 (B) No later than ninety (90) days prior to the general election, the Citizen Charter
3 Review Committee shall deliver to the Board of County Commissioners the proposed amendments
4 or revisions, if any, to the Home Rule Charter, and the Board of County Commissioners shall
5 consider such amendments or revisions to be placed on the general election ballot, in accordance
6 with Section 125.64, Florida Statutes.

7 (C) If the Citizen Charter Review Committee does not submit any proposed Charter
8 amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to
9 the general election, the Citizen Charter Review Committee shall be automatically dissolved.

10 (3) **Amendments Proposed by the Board of County Commissioners.**

11 (A) Amendments to this Home Rule Charter may be proposed by ordinance adopted by
12 the Board of County Commissioners by an affirmative vote of a majority plus one (1) of the
13 membership of the Board. Each proposed amendment shall embrace but one (1) subject and matter
14 directly connected therewith. Each proposed amendment shall only become effective upon approval
15 by a majority of the electors of Leon County voting in a referendum at the next general election. The
16 Board of County Commissioners shall give public notice of such referendum election at least ninety
17 (90) days prior to the general election referendum date.

18 (B) If approved by a majority of those electors voting on the amendment at the general
19 election, the amendment shall become effective on the date specified in the amendment, or, if not
20 so specified, on January 1 of the succeeding year.

21 **Sec. 5.3. Severance.**

22 If any provision of this Charter or the application thereof to any person or circumstance is

held invalid, the invalidity shall not affect other provisions or applications of the Charter which can be given effect without the invalid provision or application, and to this end the provisions of the Charter are declared severable.

Sec. 5.4. Home Rule Charter effective date.

This Charter shall become effective November 12, 2002.

SECTION 2. BALLOT QUESTION TO BE PRESENTED TO ELECTORATE.

The proposed Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on November 5, 2002.

SECTION 3. BALLOT QUESTION FORM.

The question on the ballot shall be substantially in the following form:

**CHARTER FOR LEON COUNTY, FLORIDA
AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2002-__**

Question

Shall there be a Home Rule Charter for Leon County, Florida, establishing all rights and powers of local self government; authorizing the proposal and adoption of ordinances by voter initiative and referendum; preserving elected constitutional county officers; providing a non-partisan Supervisor of Elections; providing for non-partisan elections of county commissioners; allowing recall of commissioners by citizen referendum; and providing a method of amendment, which shall take effect November 12, 2002?

Yes for Approval _____

No for Rejection _____

1
2 **SECTION 4. FURTHER AUTHORIZATION.**

3 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
4 resolutions and take all actions necessary in order for this Charter referendum proposition and those
5 propositions referenced in the Preamble and Articles of the proposed Charter herein to be properly
6 placed on the ballot for the special election of November 5, 2002. Said referendum shall be
7 conducted according to the requirements of law governing referendum elections in the State of
8 Florida.

9
10 **SECTION 5. SEVERABILITY.**

11 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
12 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
13 separate and independent provision and such holding shall not affect the validity of the remaining
14 portions thereof.

15
16 **SECTION 6. EFFECTIVE DATE.**

17 This ordinance shall have effect upon becoming law, but shall be of no further force or effect
18 if the proposed Charter is not duly approved at the November 5, 2002, special election. The Charter
19 of Leon County, Florida, as proposed by this Ordinance, shall become effective November 12, 2002,

1 if the Charter is approved by a "yes" vote by a majority of those duly qualified electors voting on the
2 question posed at the November 5, 2002, referendum.

3
4 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
5 Florida, this 10th day of September, 2002.

6 LEON COUNTY, FLORIDA

7
8
9 BY: 
10 DAN WINCHESTER, CHAIRMAN
11 BOARD OF COUNTY COMMISSIONERS
12
13

14 ATTESTED BY:
15 BOB INZER, CLERK OF THE COURT
16

17
18 BY: 
19 CLERK **John Stott, Chief Deputy Clerk**



20
21 APPROVED AS TO FORM:
22 COUNTY ATTORNEY'S OFFICE
23 LEON COUNTY, FLORIDA

24
25
26 BY: 
27 HERBERT W.A. THIELE, ESQ.
28 COUNTY ATTORNEY
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30
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Board of County Commissioners Workshop Item

Date of Meeting: April 13, 2010

Date Submitted: April 7, 2010

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator 
Vincent S. Long, Deputy County Administrator 
Shington Lamy, Special Projects Coordinator

Subject: Workshop on the Status Report of the Citizen Charter Review Committee

Statement of Issue:

This workshop item provides a status report on the work of the Leon County Citizen Charter Review Committee (Committee) and presents the final report of Kurt Spitzer and Associates (Attachment #1).

Background:

On November 5, 2002, the residents of Leon County adopted a Home Rule Charter with the belief that governmental decisions affecting local interests should be made locally, rather than by the State, and that County government should be reflective of the people and serve them in achieving a more responsive and efficient form of government (Attachment #2). The Leon County Charter requires the Board to establish a Citizen Charter Review Committee at least 12 months prior to the general election occurring every eight years.

On March 26, 2009, the Board held a workshop on the establishment of the first Citizen Charter Review Committee. At that time, the Board determined the composition of the Committee, its timeline, the frequency and public access of Committee meetings, staff support, and potential charter issues (Attachment #3). On April 21, 2009, the Board hired Kurt Spitzer and Associates (KSA) to provide consulting services to the Committee.

On May 26, 2009, the Board conducted a subsequent workshop to identify policy issues that may be addressed through the charter review process (Attachment #4). At that time, KSA provided a comprehensive presentation on charter counties and policy issues commonly addressed by county charter review committees.

On October 13, 2009, the Board appointed 15 Leon County residents to the Committee. Each commissioner appointed two individuals and the full Board appointed a college student representative. The individuals appointed by the Board were as follows:

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- Lester Abberger
- Jon Ausman
- Rick Bateman
- Lance DeHaven-Smith
- Sue Dick
- Donna Harper
- Chuck Hobbs
- Christopher Holley
- David Jacobsen
- Catherine Jones
- Ralph Mason
- Tom Napier
- Linda Nichol森
- Larry Simmons
- Marilyn Wils

On November 3, 2009, the Committee held its first meeting at which time it elected Christopher Holley, chairman and Marilyn Wils, vice-chair of the Committee. During its review process, the Committee held 14 meetings, considered 24 issues, and adopted 7 proposed charter amendments. The proposed amendments will be transmitted to the Board on August 4, 2010. The following provides a status report of the Committee's efforts the past five months.

Analysis:

Duties of the Committee

As previously mentioned, Section 5.2 (2)(A) of the Leon County Charter requires that the Board appoint a Citizen Charter Review Committee at least 12 months prior to the general election occurring every eight years. The Committee is charged with reviewing the County Charter and proposing any amendments or revisions for placement on the general election ballot. The Charter Review Committee must submit proposed amendments, if any, to the Board of County Commissioners at least 90 days prior to the general election for consideration. The Board has the discretion to place an amendment onto the general election ballot submitted by the Charter Review Committee by simple majority vote. The Board may also make changes or edits to the amendments submitted by the Committee; however the placement of an amendment of the Committee revised by the Board would require an affirmative vote of a majority plus one of the membership of the Board.

Since its adoption, there has not been a formal attempt to amend the Charter by placing a proposed amendment on the ballot. The 2009-10 Committee final report provides a summary of the first effort to propose amendments to the County Charter.

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April 13, 2010
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Meetings of the Committee

The Committee placed a high emphasis on public involvement throughout its review process. The Committee held 14 meetings during its evaluation of the County Charter. The meetings were held on Thursdays in the County Commission Chambers. The Committee alternated between afternoon and evening meetings to provide greater accessibility for public participation. The meetings of the Committee were very inclusive and provided an opportunity for public comments on the each agenda without any time restriction.

A Committee website (www.leoncountyfl.gov/charter) was developed to provide the public with all materials and information pertaining to the charter review process including meeting agendas, meeting minutes, and meeting presentations. The website provided residents the ability to email any questions, concerns, and/or comments to the Committee (2010charter@leoncountyfl.gov). In addition, each meeting was broadcast live on the Committee's website and re-aired on Tuesdays on Comcast Channel 16. Several press releases were distributed to media partners to promote citizen participation and input (Attachment #5).

During the process the Committee received presentations from the County Administrator, each county commissioner, the five constitutional officers, and the Mayor and other elected officials of the City of Tallahassee. The Committee also received a large amount of comments and presentations from local residents via public testimonies at the meetings and by e-mail correspondences.

The Committee adopted its own By-Laws which established a formal structure for its meetings that incorporated a three-phase approach to evaluate the Charter and to address potential issues for amendment; the issues agendas, the decision agendas, and the final adoption/transmittal agendas. In its By-Laws the Committee also adopted voting thresholds in order to narrow the list of issues it would address at each phase. A simple majority of those members present were required to move issues forward to the decision agendas and the final adoption/transmittal agendas. A two-thirds vote of the entire body (10 affirmative votes) was required at the final adoption/transmittal phase to adopt proposed amendments as recommendations to the Board.

During the first phase (issues agendas) the Committee identified issues for revision or addition to the County Charter. Issues that were determined by a simple majority vote to be considered for potential charter amendments, were scheduled for the decision agenda. In the second phase (decision agendas), the Committee held meetings to consider ballot language for charter issues that had been identified in the issues agendas phase. At that time, the Committee heard public testimony, received additional presentations, and conducted further deliberation on the ballot language, which required a simple majority vote.

In its third phase (final adoption/transmittal agendas) of meetings the Committee adopted proposed charter amendments and formally transmitted those amendments to the Board. Pursuant to the Charter, the Committee held three public hearings during the final phase. In accordance with its By-Laws, each proposed amendment including its ballot title and summary, required a two-thirds vote of the entire Committee (10 affirmative votes) for passage.

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Charter Issues

Throughout its process the Committee was presented with numerous issues for amendment consideration to the County Charter. Charter issues were provided by the Board, individual county commissioners, constitutional officers, Committee members and Leon County residents. Each of the following issues were discussed at some length by the Committee for revision or addition to the County Charter during its issues agenda phase:

- Codification of revised Tourist Development Council Structure
- County/city consolidation and/or functional consolidation
- Countywide stormwater standards/environmental ordinances
- Functional Consolidation of Growth Management
- Lower Charter Petition Threshold
- Protection of Water Supply
- Annexation Policy
- Charter officers/Constitutional Officers
- Commission Structure/Districting Schemes
- Revision to the Chairmanship of the Board of County Commissioners
- Campaign Finance Reform
- Intellectual property
- Petroleum Commission
- One house per ten acres
- Affordable housing
- Southside projects and sewer infrastructure
- Citizen Utility Advisory Board
- Nonpartisan Elections
- Employment Policy of the County Administrator
- Functions of the Clerk as Auditor
- Noninterference Clause
- Revision to the Citizen Charter Review Committee
- Human Rights Policy
- Economic Development

For its decision agenda, at which time the Committee considered potential ballot language for charter amendments, the list of issues were narrowed by a simple majority vote to the following:

- Codification of revised Tourist Development Council Structure
- Countywide stormwater standards/environmental ordinances
- Functional Consolidation of Growth Management
- Lower Charter Petition Threshold
- Campaign Finance Reform
- Citizen Utility Advisory Board

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- Employment Policy of the County Administrator
- Functions of the Clerk as Auditor
- Noninterference Clause
- Revision to the Citizen Charter Review Committee
- Human Rights Policy

After a month long discussion on the issues presented above in its decision agenda, the Committee further narrowed the list of issues for potential recommendation for charter amendment to 9 items for its final phase, the final adoption/transmittal agendas. These issues required a simple majority vote of the Committee and were as follows:

- Codification of revised Tourist Development Council Structure
- Employment Policy of the County Administrator
- Non-interference Policy
- Petition Threshold/Petition Prohibition
- Citizen Charter Review Committee
- Limitation on Campaign Contribution
- Unified Environmental Standards (Countywide Stormwater Standards)
- Functions of the Clerk as Auditor
- Citizen Utility Advisory Board

Proposed Charter Amendments

On March 18, 2010, the Committee held its third and final public hearing. Following public testimony, the Committee considered the 9 proposed amendments for recommendation to the Board. In accordance with the its By-Laws, each amendment including its ballot title and summary, required a two-thirds vote of the entire Committee (10 affirmative votes) for passage. During its deliberation, the Committee adopted and/or significantly modified 7 of 9 the proposed charter amendments. Each adopted amendment included a date in which it would become effective if approved by the electorate.

The following provides a summary on each of the 7 proposed charter amendments as well as the Committee's vote. Each summary also provides the ballot title and ballot summary which was approved by the Committee. The ballot title and ballot summary are the language that would appear on the November 2, 2010 ballot.

Codification of revised Tourist Development Council Structure (Committee Vote Count: 15-0)
During its May 26, 2009 workshop, the Board identified the codification of the revision to the Tourist Development Council (TDC) structure as a policy issues it wish to be considered by the Committee as a proposed charter amendment. Currently the Sec. 2.3(2) exempts TDC staff as employees of the County Administrator and reports directly to the Board. On January 15, 2009, the Board delegated the tourist development program to the County Administrator. The Committee adopted an amendment that would reflect in the County Charter the current practice of TDC staff

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reporting to County Administrator by deleting the exemption. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Tourist Development Structure

Ballot Summary: Whether the Leon County Home Rule Charter shall be amended to provide that the Tourist Development Council staff shall report to the County Administrator.

Employment Policy of the County Administrator (Committee Vote Count: 13-2)

During the review process KSA presented a number of issues to the Committee that are commonly addressed in other county charters in the state. The process in which the County Administrator is hired and/or terminated is one of the issues that was considered by the Committee. Currently, the County Administrator is hired/fired by a simple majority vote of the Board.

This amendment would provide that the County Administrator be employed by an affirmative vote of a majority plus one of the Board; and would also require an affirmative vote of a majority plus one of the Board to terminate the County Administrator. The consideration for termination would have to occur following the first regularly-scheduled meeting of the Board after a motion expressing intent to remove County Administrator was approved by a simple majority. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Employment Policy of the County Administrator

Ballot Summary: Whether the Leon County Home Charter shall be amended to provide the manner by which the County Administrator shall be employed and the manner by which the County Administrator is terminated.

Non-interference Policy (Committee Vote Count: 15-0)

KSA also stated that county charters commonly provide a non-interference provision which clarify the interaction of county commissions and county staff. This amendment would prohibit individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Administrator or County Attorney. A violation of the non-interference policy would be considered a malfeasance as cited in Article 4, Section 7(a) of the Florida Constitution. This section of the Constitution provides the Governor suspension authority of county officers. The charter amendment would not prohibit a county commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Administrator or County Attorney. If approved by the electorate, the amendment would take effect on January 1, 2011. Article II, Section 2.2 (6) of the County Charter provides "...that the Board shall adopt an administrative code in accordance with general law." The administrative code includes a non-interference provision.

Ballot Title: Non-interference Policy

Ballot Summary: Whether the Leon County Home Charter shall be amended to prohibit individual County Commissioners from giving instructions or directives to employees under the direct or indirect control of the County Attorney or County Administrator.

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Petition Threshold/Petition Prohibition

(Committee Vote Count: 11-4)

Sections 4.1 and 5.2 of the County Charter requires signatures of not less than 10% of the total number of qualified County electors in each of the five County districts and must total at least 10% of the total number of qualified electors countywide, in order to establish or amend County ordinances or the County Charter by petition. The current petition threshold is considered to be one of the most stringent among charter counties. This amendment would lower the signatures required for petitions proposing ordinances or charter amendments to:

- o 7% countywide, and
- o 5% within each single-member district

It also would clarify that existing prohibited subjects apply to charter amendments, in addition to ordinances. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Ordinance and Charter Amendment Petition Thresholds and Petition Prohibited Subjects

Ballot Summary: Whether the Leon County Home Charter shall be amended to lower the number of signatures required for petitions proposing ordinances or charter amendments from 10% countywide, including at least 10% in each single-member district, to 7% countywide, including 5% within each single-member district; and clarify that existing prohibited subjects apply to charter amendments, in addition to ordinances.

Citizen Charter Review Committee

(Committee Vote Count: 15-0)

KSA presented several changes to the Committee to the current structure of the CRC outlined in the County Charter. During its process, the Committee discussed at length membership eligibility, the timeframe in which the CRC is established and the placement of proposed amendments directly on the amendment.

In regards to future CRCs, the Committee adopted an amendment that would require Committees be appointed 15 months prior to a general election, instead of 12 months. It would also require the Board to consider a wide variety of factors when appointing individuals to the Committee, so as to reflect diversity in the community. In addition, the amendment would require that charter amendment recommendations of future CRCs approved by 9 votes, go to the Board for its consideration, while proposed charter amendments approved by 12 votes go directly to the ballot. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Citizen Charter Review Committee

Ballot Summary: Whether the Leon County Home Charter shall be amended to provide that the Charter Review Committee shall be appointed 15 months prior to general election; require the Board consider a wide variety of factors when appointing Charter Review Committee members; and provide that recommendations of the Charter Review Committee approved by 9 votes go to Board for its consideration; and those 12 votes go directly to ballot.

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Limitation on Campaign Contribution

(Committee Vote Count: 12-3)

During his presentation to the Committee, Commissioner Thael identified the single issue of campaign finance reform for review by the Committee. The Committee adopted an amendment that would limit campaign contributions for candidates for county office to \$250 per election from individuals and/or political committees. This amendment would only apply to candidates for county commission and constitutional office seats. The Florida Election Code currently sets the campaign contribution limit at \$500. If approved by the electorate, the amendment would take effect on January 1, 2011.

Ballot Title: Limitation on Campaign Contribution

Ballot Summary: Whether the Leon County Home Charter shall be amended to limit campaign contributions for candidates for county office to \$250 per election from individuals or political committees.

Minimum Countywide Environmental Regulations

(Committee Vote Count: 11-4)

During its two workshops on the charter review process, the Board identified countywide stormwater standards and environmental ordinances as a potential charter issue. Since 2000, the Board has elevated pursuing countywide stormwater regulation as a County priority during its Board Retreat process. The County Charter currently states that all municipal ordinances prevail over County ordinances to the extent of any conflict within the municipalities' boundaries. This provision limits the establishment of countywide stormwater standards and environmental ordinances.

In addition, throughout the process the Committee expressed great interest in the functional consolidation of the County and City of Tallahassee Growth Management departments. During the Committee's evaluation, County staff provided documentation of the County's previous efforts to commence discussion on the consolidation of the two departments. The Committee was informed that the consolidation of the County and City of Tallahassee Growth Management departments could not be effectuated through charter review process; however countywide environmental standards could be accomplished and realized to provide uniform environmental regulations throughout the County. Subsequently, the Committee requested ballot language on countywide environmental standards for consideration on its decision agenda.

On February 4, 2010, staff provided a presentation to the Committee outlining the County past efforts to establish countywide environmental and stormwater standards based on science and not political boundaries as well as the legal directive of the Tallahassee-Leon County Comprehensive Plan to establish such standards. Following the presentation, the Committee voted to move to its final adoption/transmittal agendas a unified environmental standards proposed amendment which would permit County ordinances establishing standards, procedures, requirements, and regulation for the protection of the environment to prevail over municipal ordinances.

As it entered its final phase, the Committee as well as individual Committee members received testimony, correspondence, and verbal communication from elected official and staff of the City

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expressing opposition to the proposed amendment on unified environmental standards. A number of local residents also expressed concerns of the proposed amendments. On February 17, 2010, the County Administrator sent a letter to the City Manager conveying that the intent of the amendment proposed by the Committee was to provide consistency, reliability and uniformity of environmental standards in the community (Attachment #6). In addition, the County Administrator ensured that County staff would work together with City staff to develop unified environmental standards.

Nonetheless, the City continued to oppose the Committee's amendment on unified environmental standards through further testimony at the Committee's public hearings, correspondence, and verbal communication. As a result, the Committee significantly modified the charter amendment on unified environmental standards to minimal environmental standards which would require the County to establish minimum environmental standards, procedures, requirements, or regulations countywide; however it would not prohibit a municipality from adopting more stringent levels of environmental standards, procedures, requirements, or regulations, within its incorporated limits. If approved by the electorate, the amendment would take effect on April 1, 2011.

Ballot Title: Minimum Countywide Environmental Standards

Ballot Summary: Whether the Leon County Home Charter shall be amended to provide that county ordinances shall provide minimum standards, procedures, requirements, and regulation for the protection of the environment.

Amendments Not Approved by the Committee

The proposed amendments on the establishment of a Citizen Utility Advisory Board (vote of 7-8) and the expansion of the functions of the Clerk Auditor (vote of 7-8) did not receive the required two-third votes for recommendation to the Board. It is important to note that the majority of the Committee voted not to proceed with the establishment of a Citizen Utility Advisory Board after the City informed the Committee that it had re-activated its Utilities' Citizen Advisory Committee (Utilities Committee) and ensured that it would attempt to address the Committee's concern of County representation on the current Utilities Committee.

Transmittal of Proposed Charter Amendments to the Board

Pursuant to section 5.2 (2)(B) of the Charter, the Committee is required to submit its recommendations to the Board no later than 90 days prior to the 2010 general election. In addition, the Charter requires the Board to consider the Committee's proposed charter amendments in accordance with section 125.64 F.S., which states that upon submission of the amendments, the Board must call a special election to be held at least 45 days but no later than 90 days after the submission of those charter amendments proposed by the Committee the Board wishes to place on the ballot. Thus, the Committee voted to transmit its proposed charter amendments to the Board on August 4, 2010 (90 days prior to the 2010 general election). This provides the Board the opportunity to hold a special election on the proposed charter amendments simultaneously with the general election.

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August 24th Board Meeting

Following the Committee's transmittal on August 4, 2010, the Board may consider the proposed charter amendments. The Supervisor of Elections has indicated that August 24th is the deadline to submit ballot language for the 2010 general election. Therefore, the Board has the opportunity to consider the Committee's proposed amendments between August 4th and August 24th. The first Board meeting, following the Committee's formal submission, is scheduled for Tuesday, August 24th. In addition, local and state primary elections are scheduled to be held on that date. The Leon County Canvassing Board, which includes Commissioner Bryan Desloge, will also convene throughout the day and evening during the primary elections.

As a result, staff recommends that the Board re-schedule its August 24th regular meeting for Monday, August 23rd; it is additionally recommended that the Board direct staff to prepare ballot titles and ballot summaries and schedule a public hearing on the proposed charter amendments of the Committee for Monday, August 23, 2010 at 6 p.m.

Consideration Proposed Committee Amendments & Charter Amendments Initiated by the Board

As previously mentioned, the Committee adopted 7 proposed charter amendments which are scheduled to be transmitted to the Board on August 4th. Pursuant to County Charter, the Board has the discretion to place an amendment onto the general election ballot submitted by the Committee by simple majority vote. The County Attorney's Office has determined that the Board may also make changes or edits to the proposed amendments submitted by the Committee; however the placement of a proposed amendment of the Committee, revised by the Board, would require an affirmative vote of a majority plus one of the membership of the Board.

Although the Committee has completed its review process, section 5.2 (3) of the Charter provides the Board the opportunity to consider any additional proposed charter amendments it may wish to place on 2010 general election ballot for referendum. Amendments proposed by the Board must be adopted by ordinance and requires an affirmative vote of a majority plus one of the membership of the County Commission. The Board is required to publicly notice any referendum 90 days prior to the general election in order to be placed on the ballot. Therefore, the Board may place additional proposed charter amendments on 2010 general election ballot for referendum by August 4, 2010 (90 days prior). The last regular Board meeting prior to the deadline is scheduled for Tuesday, July 13th. Should the Board wish to consider additional charter amendments for the 2010 general election, staff recommends that the Board identify the issues during its April 13th workshop and direct staff to schedule a public hearing on July 13th 2010, any proposed charter amendments initiated by the Board.

Options:

1. Accept the final report of Kurt Spitzer and Associates on the Charter Review Committee
2. Re-scheduled the Tuesday, August 24th Board Meeting for Monday, August 23rd.
3. Direct staff to prepare ballot titles and ballot summaries and schedule a public hearing on the proposed charter amendments of the Citizen Charter Review Committee for Monday, August 23, 2010 at 6 p.m.

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4. Direct staff to schedule for public hearing any proposed charter amendments initiated by the Board for Tuesday, July 13, 2010.
5. Board Direction

Recommendations:

Options #1-#4.

Attachments:

1. Kurt Spitzer and Associates Final Report on the 2009-10 Citizen Charter Review Committee
2. Leon County Charter
3. April 9, 2009 Ratification of the March 26, 2009 Workshop on the Establishment of a Citizen Charter Review Committee
4. July 14, 2009 Ratification of the May 26, 2009 Workshop of Charter Review Committee Policy Issues
5. Press Releases on the Citizen Charter Review Committee
6. The County Administrator's February 17, 2010 Letter to the City Manager

Attached is
Attachment #3
for the
**Workshop on Potential Board-Initiated Charter
Amendments**

“City of Tallahassee’s Status Report on the Utility Citizen
Advisory Committee”

Workshop on May 11, 2010

Distributed: May 10, 2010



May 6, 2010

Leon County Board of County Commissioners
301 S. Monroe Street, 5th Floor
Tallahassee, FL 32301

Dear Mr. Chairman and County Commissioners:

I am writing to provide an update to you regarding the City of Tallahassee's Utility Advisory Committee and its history. During the Leon County Charter Review Committee process, some members expressed concern that citizens may not have sufficient input into the utility process, and thus a discussion emerged relating to the creation of a Citizens Advisory Board. Even though there has been such a committee functioning for more than 10 years, I still took the members' comments very seriously.

As you know, citizen feedback and customer service are very important to me personally and the Mayor and City Commissioners have high expectations in that same regard. At the March 18, 2010 Leon County Charter Review Committee meeting, Rick Fernandez committed on my behalf to renew the existing Citizen Advisory Committee (CAC) to address the concerns expressed by some of the members. We were already in the process of revitalizing the membership and tasks of the committee, so the concerns expressed were very timely. Ultimately, the Charter Review Committee decided not to recommend a charter amendment establishing an advisory board.

I am pleased to report that ten citizens with diverse backgrounds are serving on the CAC and have already met on April 15, 2010. It is important that the members represent the make-up of the utility system including citizens living in the unincorporated area of the county, as they do. The following is a list of the ten members:

Stephen Beasley, Vice President, Southside Manufacturing
Dominic Calabro, President and CEO, Florida Tax Watch (founding member)
Mathew Carter II, Past Chairman of the Florida Public Service Commission
William Crona, CPA/Investor
Benjamin Crump, Esq., Attorney at Law, Parks & Crump Law Firm
Altha Flowers Manning, Retired Administrator, Business Owner
Frank Jameson, Vice President, Wachovia Bank
Karen Moore, Founder and CEO, Moore Consulting, Inc.
Carol "Sunny" Phillips, Legislative Affairs Administrator, FL House of Representatives
Ted Thomas, Realtor and Business Owner (founding member)

Leon County Board of County Commissioners
Page 2
May 6, 2010

serves approximately 115,000 customers in and around the city; approximately 85% reside within the corporate limits and 15% reside in unincorporated Leon County. Consistent with the composition of our customer base, two members, Dominic Calabro and Karen Moore, reside outside of the corporate limits.

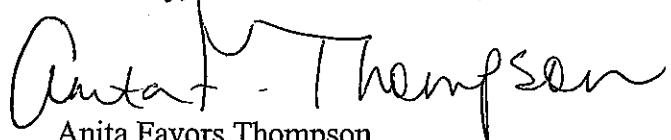
Previous members over the years have included Williams (Bill) Smith (CEO, Capital City Bank), Cliff Hinkle (CEO, Flagler Holdings, Inc.), Joan Heggen (former City Mayor and County Administrator), Dr. Melvin Stith (FSU, College of Business), Nancy Dell Lawhorn (March of Dimes), and William Lindner (Department of Management Services).

The previous committee discussions included topics such as deregulation, electric and gas strategies, telecommunications, wholesale power, fuel prices, ECRC (energy cost recovery), utility bill mitigation and low income assistance, comparative rate analysis, fire services fee, IRP (Integrated Resource Plan), Hopkins 2 repowering, fuel diversity, biomass, green energy, Eastern Transmission Line, energy risk management, digital canopy, marketing, etc.

At the April 15, 2010 meeting, City staff provided an overview of the utility system and updates on key issues. The committee members were engaged and eager to provide support. The agenda and draft minutes of the meeting are attached to this letter. The committee will continue to meet on a monthly basis on the second Thursday of each month. Accordingly, the committee's next meeting is scheduled for May 13, 2010.

This issue is important to our community and to me personally. I trust you will find that the City is committed to our customers and to providing services that enrich the quality of life in the Tallahassee community, and I welcome your comment and feedback regarding this process. Please do not hesitate to call me if you have any questions or comments.

Sincerely,



Anita Favors Thompson
City Manager

AFT/rg

Attachments

cc: Mayor and City Commissioners
Parvez Alam, County Administrator
Vince Long, Deputy County Administrator
Ricardo Fernandez, Assistant City Manager

CITIZENS ADVISORY COMMITTEE

THURSDAY APRIL 15, 2010

11:30AM TO 12:30PM

CITY HALL, ROOM 4F

Committee Members

Stephen Beasley	Dominic Calabro
Dr. Matthew Carter	Bill Crona
Ben Crump	Frank Jameson
Altha Manning	Karen Moore
Sunny Phillips	Ted Thomas

- I. Welcome Members
 - a. City Manager Anita Favors Thompson
- II. Overview of Utility Systems
 - a. Ricardo Fernandez
- III. Discussion of Current Topics
 - a. Demand Side Management
 - b. Smart Grid
 - c. Advanced Wastewater Treatment
 - d. Rates
 - e. Operating Reserves
- IV. Member Discussion
- V. Schedule Future Meetings
- VI. Adjournment





UTILITY CITIZEN ADVISORY COMMITTEE

April 15, 2010

11:30 a.m. – 12:30 p.m.

City Hall Conference Room 4F

Meeting Summary

Attendees: Committee Members: Stephen Beasley, Dr. Matthew Carter, Ben Crump, Sunny Phillips and Ted Thomas; City Representatives: City Manager Anita Favors Thompson, Assistant City Manager Rick Fernandez, Reese Goad, Kevin Wailes, David Byrne, Mike Tadros, Cynthia Barber, Sandra Manning and Lorin Pratt; and Council of Neighborhood Associations President Stephen Hogge.

Welcome and Overview: City Manager Anita Favors Thompson

The City Manager provided introductions and began the meeting with a brief overview of City Utility goals, particularly the new Energy Smart Plus e+ initiative. A wide variety of programs and services have been implemented to promote energy efficiency, reduce peak electric demand and help customers reduce their monthly utility bills. She noted that the Utility Citizen Advisory Committee serves a vital purpose in assisting with communication efforts, providing feedback and determining key issues to address on a priority basis. One topic will be the potential impact of high utility bills on seniors, unemployed or underemployed residents and other customers with limited incomes. Future meetings will address specific issues more in depth.

Ben Crump indicated that the City has been doing a great job in offering a wide variety of programs but that high utility bills remain a key issue. He suggested that staff take proactive measures to inform customers of cost-saving opportunities. He recommended that staff intensify media campaigns, increase advertising and to rely more heavily on local churches and religious leaders to disseminate information. Dr. Carter concurred, noting the hardship on low-income residents and the much-needed support they receive through churches and governmental assistance. The City Manager agreed that effective communication efforts are crucial and noted that, historically, the challenge has been to encourage residents to take advantage of the many financial incentives and grants offered by the City. Ms. Phillips suggested utilizing the Council of Neighborhood Associations' database and newsletter for targeted campaigns, which could include flyers, ads and informational articles.

Overview of Utility Systems: Assistant City Manager Rick Fernandez

The City of Tallahassee's Electric Utility serves more than 100,000 homes and businesses with electric power. The system has three electric generating stations: C.H. Corn (hydroelectric), Arvah B. Hopkins and Sam O. Purdom. And three wastewater treatment facilities: Lake Bradford Wastewater Treatment Plant, the T.P. Smith Water Reclamation Facility and the Southeast Farm. In addition, City Utilities provide gas and stormwater services, while balancing a wide variety of divergent operational requirements and customer needs. Customer service has always been the top priority, and this committee will offer a new perspective in helping the City improve operations and meet the varied needs of a growing population.



Discussion of Current Topics:

Demand-Side Management – Energy Services Director David Byrne

Brought before the City Commission in February, 2008, the Demand Side Management (DSM) plan is an integral part of the City's Energy Smart Plus (e+) program. It has been determined to be a cost-effective method for increasing energy efficiency and meeting future energy needs with fewer environmental impacts than other power generating alternatives. DSM focuses on providing programs and incentives designed to reduce peak energy consumption through energy efficiency programs, pricing incentives and other residential and commercial customer-based tools. As a resource to the City, DSM defers or eliminates the need to construct new power plants, reduces operational costs, helps stabilize rates and reduces the pressure of market volatility. Upon successful implementation, it will help boost the local economy, lower customers' utility bills, provide local job opportunities and reduce natural gas expenditures outside of the City's service area.

Smart Grid Update – Utility Business and Customer Services Director Reese Goad

The City's new Smart Grid consists of advanced technology and an underlying network of electric, water and gas infrastructure. The three phases of system development include: 1) infrastructure of which the electric and water meter change out is nearly complete, 2) Software and web applications, and 3) New programs and pricing plans designed to offer customers greater choices for managing their household energy consumption, using resources wisely and saving money on their utility bills. The system is central to the City's e+ programs by providing customers with two-way communication and the ability to utilize interactive tools such as Smart Thermostats and In-Home Energy Monitors. New products will be forthcoming and will be introduced to customers over the next year and beyond.

Advanced Wastewater Treatment (AWT) Update – Underground Utilities Director Mike Tadros

Guided by the Florida Department of Environmental Protection and in an effort to protect local water resources, such as Wakulla Springs, the City has begun the process of upgrading its treated effluent to Advanced Wastewater standards. The goal is to reduce nitrogen, which fuels plant growth and surface water degradation, to 3 ppm by 2014 based on a DEP permit schedule. Multiple nitrogen-reduction measures have been applied to achieve reductions above and beyond those set by DEP permit requirements. Construction began in August 2009, with best available technology and new equipment. Costs are expected to be \$200 million and will be funded by bonds. Costs associated with the increased debt service have already been scheduled in the sewer rate schedules. As the work progresses, the City continue to meet with stakeholders, community groups and regulatory agencies to make necessary schedule modifications and ensure project success.

Rates Update - Utility Business and Customer Services Director Reese Goad

Currently, the City's electric rates are just below the state average, they have increased historically and have been subject to the volatility of natural gas prices in the past. The City is working to address rate volatility through financial instruments, operations and decreased peak demand. With regard to other utility services, the City's water rates are among the lowest in Florida, natural gas rates are generally average statewide, and AWT and related factors have placed upward pressure on sewer rates.

Operating Reserves: Electric Utility Director Kevin Wailes

The Electric Utility Operating Reserve Fund provides the City with a wide range of capital advantages, such as liquidity, margin funding for financial hedging and rate stabilization. Despite serious economic conditions affecting municipal governments nationwide, the City has maintained or enhanced its energy system bond ratings in part due to the operating reserve fund. Recently, the nation's three major bond-rating services reaffirmed the City's sound



financial stewardship referencing strong reserves and unrestricted liquidity as strengths in the energy system bond ratings. Of the three major rating services, Fitch maintained its AA- rating and Moody's maintained its Aa3 rating of City of Tallahassee energy system bonds. In addition, Standard & Poor's raised its rating of the energy system bonds from AA- to AA, citing the City's "good management practices, support from the City Commission and sustained strong financial metrics."

Committee Discussion:

- Identify ways to get free energy audits for low-income citizens (Crump/Carter)
- At future meetings, provide Committee members with total energy audits broken down by demographics, such as income class, neighborhood and other relevant categories. (City Manager)
- Investigate commercial DSM incentives (Thomas)
- Survey to determine their desire to underground electric facilities at a cost. (Thomas)
- Committee members encouraged to listen for e+ ads on radio and provide feedback (City Manager)
- Focus on renewable energy, new technologies for Smart Grid (Carter)

Communication Strategies:

- Utilize church leaders as well as Council of Neighborhood Association's database in communication efforts (Crump/Phillips)
- Keep message concise and simple (Carter)
- Focus on low-income residents, renters, etc. (Hogge)
- Increase school-based education, including PTA meetings, school functions, etc. (Crump)
- Continue partnerships with Tallahassee Housing Authority and other local agencies

Adjourn 1:15 p.m.

Future Meetings:

Second or third Thursday of each month – To be determined

11:30 a.m. to 1 p.m.

City Hall Conference Room 4F